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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,604	11/19/1998	NABUAKI TOMIDOKORO	0557-4524-2	4501

22850 7590 12/05/2001

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

09/195,604

## Applicant(s)

TOMIDOKORO ET AL.

## Examiner

Joseph R. Pokrzywa

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 8-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5 & 8. 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. **Claims 8 through 29** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9.
2. Applicant's election with traverse of **claims 1 through 7** in Paper No. 10 is acknowledged. The traversal is on the ground(s) that applicant's believe that the inventions a part of an overlapping search area, thereby not placing a serious burden on the examiner. This is not found persuasive because different searches are required for each of the inventions. As shown in the Office action dated 10/23/01, Inventions I through V are related as subcombinations disclosed as usable together in a single combination. While the subcombinations contain some information being similar to the other subcombinations, and can be used as one combination as a whole, each individual subcombination has separate utility, being classified in different areas, and each subcombination requires a different search, whether it be a classification search, or a text database search.

As discussed in the Office action dated 10/23/01, in order for the subcombinations to be distinct from each other, they must shown to be separately usable. Invention I has separate utility such as a facsimile system which sends a disconnect signal to a central server, when no signal is received over a predetermined time period, while invention II has separate utility such as a copier that prevents a repeated jam message from being transmitted until a predetermined time passes, while invention III has separate utility such as a copier that transmits a message to a central

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service station when a service man initiates and terminates a maintenance service, while invention IV has separate utility such as a copier system that sets an enable state when a difference between a current copy count and a received predetermined copy count reaches a predetermined amount, while invention V has separate utility such as a facsimile device having operating parameters stored in predetermined addresses of a memory, which are received from a central server through an access request.

Further, as discussed in the Office action dated 10/23/01, invention I is classified in class 358/437, while inventions II through V are classified in classes 399/21, 399/11, 399/43, and 358/404, respectively. The heading of class 358 is "Facsimile and Static Presentation Processing", therein focusing on facsimile machines, while the heading of class 399 reads "Electrophotography", which, as read in the Manual of Classification, is indented immediately under class 355, "Photocopying", therein focusing on photocopy machines. Inventions classified in class 358, being facsimile machines, are distinctly different than inventions classified in class 399, being photocopiers, and do not have similar search areas. Therefore, because these inventions are distinct for the reasons given above, and the search required for any in Groups I through V, whether it be a classification search, or a text database search, is not required for the other Groups I through V, restriction for examination purposes as indicated is still deemed proper.

The requirement is still deemed proper and is therefore made FINAL.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

4. The references listed in the Information Disclosure Statements submitted on 11/19/98, 4/15/99, and 10/17/00 have been considered by the examiner (see attached PTO-1449's).

***Drawings***

5. The drawings were not objected to by the Official draftsman (see attached PTO-948), and are acceptable.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1 through 7** are rejected under 35 U.S.C. 102(b) as being anticipated by Ito (U.S. Patent Number 5,373,349).

Regarding **claim 1**, Ito discloses an image forming device management system including a plurality of image forming devices (see Fig. 1, copying machine 4, and column 5, lines 60 through column 6, line 7, wherein only one is shown in the figure), a central service station for providing a maintenance service for the image forming devices (center computer apparatus 90,

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column 3, lines 39 through 53, and column 9, lines 27 through 36), and a communication control unit connected to each of the image forming devices by a signal line (modem 72, see Fig. 3), the communication control unit (modem 72) connecting one of the image forming devices to the central service station via a communication network (see Figs. 1 and 3, and column 7, lines 9 through 14), wherein each of the image forming devices (copying machine 4) comprises message means for outputting a signal line separation message (step S547 in Fig. 11, column 10, lines 17 through 19) when the image forming device has no signal from the central service station or the communication control unit over a predetermined period ("no" in steps S531 or S541, column 10, lines 12 through 60).

Regarding *claim 2*, Ito discloses the system discussed above in claim 1, and further teaches that each of the image forming devices (copying machine 4) comprises means for detecting that the image forming device has no signal from the communication control unit over the predetermined period ("no" in steps S531 or S541, column 10, lines 12 through 60), based on a response of the image forming device to a selecting of the communication control unit to the image forming device (column 10, lines 20 through 57).

Regarding *claim 3*, Ito discloses the system discussed above in claim 1, and further teaches that each of the image forming devices (copying machine 4) comprises means for detecting that the image forming device has no signal from the central service station over the predetermined period ("no" in steps S531 or S541, column 10, lines 12 through 60), based on a response of the image forming device to a selecting of the central service station to the image forming device (column 10, lines 20 through 57).

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Regarding *claim 4*, Ito discloses the system discussed above in claim 1, and further teaches that each of the image forming devices (copying machine 4) comprises means for detecting that the image forming device has no signal from the communication control unit over the predetermined period ("no" in steps S531 or S541, column 10, lines 12 through 60), based on a response of the image forming device to a polling of the communication control unit to the image forming device (column 9, line 64 through column 10, line 33).

Regarding *claim 5*, Ito discloses the system discussed above in claim 1, and further teaches that each of the image forming devices (copying machine 4) includes a communication interface unit (modem 52, see Figs. 1 and 3, column 5, lines 3 through 9) having a terminal connected to the communication control unit (modem 72, see Figs. 1 and 3), and each of the image forming devices comprises means for detecting that the image forming device has no signal from the communication control unit over the predetermined period ("no" in steps S531 or S541, column 10, lines 12 through 60), based on a detected voltage of the terminal of the communication interface unit (column 10, lines 20 through 60, whereby it is inherent in the operation of the modem 52 to detect a voltage while detecting signals on the public telephone line).

Regarding *claim 6*, Ito discloses the system discussed above in claim 1, and further teaches that each of the image forming devices (copying machine 4) includes means a connection detecting circuit (modem 52, see Figs. 1 and 3, column 5, lines 3 through 9) having an input connected to the communication control unit (modem 72, see Figs. 1 and 3), and each of the image forming devices comprises means for detecting that the image forming device has no signal from the communication control unit over the predetermined period ("no" in steps S531 or

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S541, column 10, lines 12 through 60), based on an output of the connection detecting circuit (column 5, lines 3 through 9, and column 9, line 37 through column 10, line 60).

Regarding *claim 7*, Ito discloses the system discussed above in claim 1, and further teaches that the signal line separation message output by the message means indicates a separation of the signal line between the image forming device and the communication control unit (step S547, column 10, lines 17 through 60).

#### *Citation of Pertinent Prior Art*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

**Iimori** (U.S. Patent Number 5,949,553) discloses an image forming system having a remote maintenance function;

**Ogura** (U.S. Patent Number 5,893,005) discloses a system that issues signals signifying a start and end of maintenance work;

**Hashimoto et al.** (U.S. Patent Number 5,583,615) discloses a communication control device that supervises operation of an image forming apparatus; and

**Weinberger et al.** (U.S. Patent Number 5,084,875) discloses a system that remotely monitors the operational status of a copy machine.



*Conclusion*


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622

jrj  
November 30, 2001

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
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